

CHAPTER 814

S.B. No. 732

AN ACT

relating to the administration of polygraph examinations to certain applicants for positions in the Department of Public Safety.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (c), Section 411.007, Government Code, is amended to read as follows:

(c) An applicant for a position in the department must be a United States citizen. An applicant may not be questioned regarding the applicant's political affiliation or religious faith or beliefs. The department may not prohibit an officer or employee of the department, while off duty and out of uniform, from placing a bumper sticker endorsing political activities or a candidate for political office on a personal vehicle, placing a campaign sign in the person's private yard, making a political contribution, or wearing a badge endorsing political activities or a candidate. An officer commissioned by the department may not be suspended, terminated, or subjected to any form of discrimination by the department because of the refusal of the officer to take a polygraph examination. *Section 411.0074 does not authorize the department to require an officer commissioned by the department to take a polygraph examination.*

SECTION 2. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0074 to read as follows:

Sec. 411.0074. POLYGRAPH EXAMINATIONS FOR CERTAIN APPLICANTS. (a) This section does not apply to:

(1) an applicant who is currently a peace officer of the department commissioned by the department; or

(2) an applicant for a police communications operator position who is currently employed by the department in another police communications operator position.

(b) Before commissioning an applicant as a peace officer or employing an applicant for a police communications operator position, the department shall require the applicant to submit to the administration of a polygraph examination in accordance with rules adopted under Subsection (e).

(c) The polygraph examination required by this section may only be administered by a polygraph examiner licensed under Chapter 1703, Occupations Code, who:

(1) is a peace officer commissioned by the department; or

(2) has a minimum of two years of experience conducting preemployment polygraph examinations for a law enforcement agency.

(d) The department and the polygraph examiner shall maintain the confidentiality of the results of a polygraph examination administered under this section, except that:

(1) the department and the polygraph examiner may disclose the results in accordance with Section 1703.306, Occupations Code; and

(2) notwithstanding Section 1703.306, Occupations Code, the department may disclose any admission of criminal conduct made during the course of an examination to another appropriate governmental entity.

(e) The department shall adopt reasonable rules to specify the point in the hiring process at which the department shall require a polygraph examination to be administered under this section and the manner in which the examination shall be administered. Rules relating to the administration of a polygraph examination shall be adopted in accordance with the guidelines published by the American Polygraph Association or the American Association of Police Polygraphists.

(f) The department shall use the results of a polygraph examination under this section as a factor in determining whether to commission a peace officer or employ an applicant for the position of police communications operator.

SECTION 3. Section 411.0074, Government Code, as added by this Act, applies only to an applicant who submits an application for a position in the Department of Public Safety of the State of Texas on or after the effective date of this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

Passed the Senate on April 7, 2005: Yeas 31, Nays 0; the Senate concurred in House amendment on May 27, 2005: Yeas 29, Nays 0; passed the House, with amendment, on May 25, 2005: Yeas 144, Nays 0, two present not voting.

Approved June 17, 2005.

Effective June 17, 2005.

CHAPTER 815

S.B. No. 742

AN ACT

relating to disqualification for eligibility for workers' compensation benefits of certain professional athletes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (c), Section 406.095, Labor Code, is amended to read as follows:

(c) In this section, "professional athlete" means a person employed as a professional athlete by a franchise of:

- (1) the National Football League;
- (2) the National Basketball Association;
- (3) the American League of Professional Baseball Clubs;
- (4) the National League of Professional Baseball Clubs;
- (5) the International Hockey League; ~~[or]~~
- (6) the National Hockey League; *or*
- (7) *the Central Hockey League.*

SECTION 2. The change in law made by this Act applies only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the effective date of this Act. A claim based on a compensable injury that occurs before that date is governed by the law in effect on the date that the compensable injury occurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2005.

Passed the Senate on April 11, 2005: Yeas 29, Nays 1; passed the House on May 25, 2005, by a non-record vote.

Approved June 17, 2005.

Effective September 1, 2005.

CHAPTER 816

S.B. No. 747

AN ACT

relating to establishing a demonstration project for women's health care services.

Be it enacted by the Legislature of the State of Texas: